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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,081	05/31/2001	Dae-Sik Oh	1639	9317

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EXAMINER

DEAN, RAYMOND S

ART UNIT PAPER NUMBER

2684

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/871,081

Applicant(s)

OH, DAE-SIK

Examiner

Raymond S. Dean

Art Unit

2684

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: None.  
Claim(s) rejected: 1 - 3, 6 - 20, and 24 - 28.  
Claim(s) withdrawn from consideration: None.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

  
Raymond S. Dean  
October 26, 2005  
571-272-7877

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding Claims 1, 2-3, 6, and 27 - 28

Steer, as stated in the Office Action dated August 12, 2005 (See Page 6, Claim 26), teaches the base station determining a location of the mobile station when the mobile station is going to engage in a call. The base station, which is a network component, point, or part, determines the location of the mobile station at initial call set up so that the appropriate transmission power level is set (See Column 3 lines 8 - 29, Column 6 lines 22 - 28, Column 7 lines 25 - 27). Steer therefore teaches a base station determining a location of the mobile station when the mobile station is going to engage in a call.

Regarding Claims 7 - 13, 14, and 16 - 20

i) Soliman, as was stated in the Office Action dated August 2, 2005 (See Page 3), teaches a reverse link power control loop, which is a closed power control loop. A closed power control loop adjusts the power upward or downward such that a particular setpoint value such as an SIR or SNR is maintained. The sections, Column 1 lines 28 - 45, Column 2 lines 40 - 57, and Column 3 lines 19 - 28, were cited to show the Applicant that the reverse link power control loop of the Soliman invention is the well known closed power control loop that is pervasive in CDMA systems.

ii) The amendment to Claims 7, 14, and 16 with "the base station" changes the scope of the claims and raise new issues that will require further search and consideration.

Regarding Claims 24 and 25

Examiner respectfully disagrees with Applicant's assertion on Page 15, Section e, first paragraph "In response, Applicant submits that this rejection is improper ...".

Steer teaches a power control system comprising: a database that correlates locations with power levels (Column 3 lines 8 - 29); and a base station controller (BSC) with access to said database, the BSC being configured so that when a mobile station is going to engage in a call, the BSC determines a location of the mobile station, selects from the database a power level based on the location of the mobile station (Column 3 lines 8 - 29, Column 6 lines 3 - 6, lines 22 - 28, lines 50 - 57, lines 61 - 65, Column 7 lines 1 - 19, lines 25 - 27, lines 66 - 67, Column 8 lines 1 - 10, lines 23 - 25, the base station controller is a network component or point).

Steer does not teach initial power levels and instructing the mobile station to transmit at the initial power level.

Sunay teaches initial power levels and instructing the mobile station to transmit at the initial power level (Column 5 lines 20 - 40, the power level based on the path loss and desired value of the received power level at the base station is the initial power level) It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the initial power level taught by Sunay in the system of Steer for the purpose of controlling the transmission power of the mobile station during handoff of a call between base stations thereby reducing the potential for dropped calls or the occurrences of near-far problems during handoff between base stations of different size cells as taught by Sunay.

EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

So. 10/2/05